

MARION COUNTY BOARD OF COUNTY COMMISSIONERS



TITLE VI AND NONDISCRIMINATION POLICY STATEMENT AND POLICY

EFFECTIVE JULY 25, 2009

TITLE VI/ NONDISCRIMINATION POLICY STATEMENT

The Marion County Board of County Commissioners assures the Florida Department of Transportation that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The Marion County Board of County Commissioners further agrees to the following responsibilities with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Marion County Board of County Commissioners County Administrator.
2. Issue a policy statement signed by the County Administrator, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of *Appendix A* of this agreement in every contract subject to the Acts and the Regulations
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Marion County Board of County Commissioners shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Marion County Board of County Commissioners.

Dated 7/25/09

by



Dr. Lee A. Niblock, County Administrator

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

- (1.) **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- (2.) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3.) **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- (4.) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida*

Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5.) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
- b. cancellation, termination or suspension of the contract, in whole or in part.

(6.) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

**Marion County Board of County Commissioners
Title VI and Nondiscrimination Policy and Plan**

Policy Statement:

The Marion County Board of County Commissioners values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the County does not tolerate discrimination in any of its programs, services or activities. The Marion County Board of County Commissioners will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion or familial status.

Limited English Proficiency (LEP) Guidance:

In adherence with Federal regulations, the Marion County Board of County Commissioners will make reasonable efforts to ensure its programs, services and activities are meaningfully accessible to those who do not speak English proficiently. The Marion County Board of County Commissioners will utilize its bilingual employees, State and Local Transportation partners, faith based organizations and community groups, and other language services to provide oral interpretation and translation of program documents, as required. To determine if or when alternate language usage is required for meaningful access, the Marion County Board of County Commissioners will assess the program, service or activity using the following four factors.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by Marion County Board of County Commissioner's programs, services or activities.
2. The frequency with which LEP individuals come in contact with these programs, services or activities.
3. The nature and importance of the program, service, or activity to people's lives and;
4. The resources available to the Marion County Board of County Commissioners and costs.

Persons requiring special language services should contact the Marion County Board of County Commissioner's Title VI Officer:

Name: Drew Adams
Address: 601 SE 25th Avenue Ste. 111 Ocala, Fl 34474
Phone number: (352)438-2349
Fax: (352) 438-2350
Email: drew.adams@marioncountyfl.org
TTY or Relay number: (352) 438-2357

Or

Name: Anita Driscoll
Address: 521 S.S 26th Court Ocala, Fl 34474
Phone number: (352)438-2345
Fax: (352) 438-2347
Email: anita.driscoll@marioncountyfl.org
TTY or Relay number: (352) 438-2357

Complaint Procedures:

The Marion County Board of County Commissioners has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discriminatory actions. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status may file a complaint with the Marion County Board of County Commissioner's Title VI Officer:

Name: Drew Adams
Address: 601 SE 25th Avenue Ste. 111 Ocala, Fl 34474
Phone number: (352)438-2349
Fax: (352) 438-2350
Email: drew.adams@marioncountyfl.org
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Phone number: (352)438-2345
Fax: (352) 438-2347
Email: anita.driscoll@marioncountyfl.org
TTY or Relay number: (352) 438-2357

If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (ie, race, color, national origin, sex, religion, age, disability or family status); and a description of the alleged discrimination with the date of occurrence. If the complaint cannot be submitted in writing, the complainant should contact the Marion County Board of County Commissioner's Title VI Officer for assistance.

The Title VI Officer will respond to the complaint within thirty (30) days and will take reasonable steps to resolve the matter. Should the Marion County Board of County Commissioners be unable to satisfactorily resolve the complaint, the Title VI Officer will forward the complaint, along with a record of its disposition, to the Florida Department of Transportation (FDOT), Equal Opportunity Office, Statewide Title VI Coordinator. FDOT will assume jurisdiction over the complaint for continued processing.